

REMARKS

Claims 1-26 stand rejected by the examiner. Claims 1, 25, and 26 are independent claims. Dependent claims 23 and 24 have been canceled without prejudice herein. Claims 1-20, 25, and 26 have been amended herein to further clarify the claimed subject matter. New claim 27 has been added herein. Assignee traverses the rejections as to the pending claims.

Specification

The office action stated that the reference “Gnu Privacy Guard (GnuPG) Mini Howto” was not considered because assignee did not submit an explanation of the non-English reference. Assignee has secured an English-language version of this reference, which will be provided under separate cover in order to bring assignee’s disclosure into compliance with the requisite provisions.

Claim Rejections – 35 U.S.C. § 101

Claim 23 was rejected in the office action under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In order to expedite prosecution of this application, claim 23 has been canceled herein without prejudice to assignee’s right to pursue such a claim in the future. Assignee therefore respectfully submits that the rejection of claim 23 is moot.

Claim Rejections – 35 U.S.C. § 112

The office action rejected claims 1-22 and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In rejecting independent claim 1 and the claims

that depend from it, the office action maintained that claim 1 recites receiving data about a security key, using the data for validity check and providing a mobile device's user with a reason for a validity check issue, but that the claim recites features that do not represent the applicant's actual invention as claimed in the preamble. While assignee respectfully disagrees that the claim as originally presented suffered from vagueness and indefiniteness as stated in the office action, claim 1 has been amended to make clearer that claim 1 recites operations that occur on the device that is to send a message to a recipient. Assignee's specification also illustrates this. For example, the flowcharts of figures 4A-4C show examples of different operations that occur on the sending device before determining whether a message is to be sent (e.g., as shown at process block 80 on figure 4A, process block 94 on figure 4B, etc.). For at least these reasons, assignee respectfully submits that claim 1 is not vague or indefinite, and that the rejection should be withdrawn.

With respect to claim 24, the office action states that the claim is vague and indefinite because it is unclear whether the medium is programmed or capable of being programmed. While assignee disagrees that claim 24 is vague and indefinite, in order to expedite prosecution of the instant application, claim 24 has been canceled herein.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 1-20 and 24-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0169954, application of Bandini, et al. (Bandini). Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bandini in view of U.S. Patent No. 6,782,266, issued to Baer, et al. (Baer). Assignee respectfully disagrees that the cited references disclose the subject matter of the rejected claims.

Claim 1 of the instant application recites performing a validity check on the security key of a message recipient, and determining a reason for a validity check issue that has arisen, and providing the reason to the user of a mobile device. In rejecting claim 1, the office action cites paragraph 0044 of Bandini, which reads:

Turning to FIG. 6(a), at 602, the e-mail firewall 105 determines if decryption of portions of the message 204 is required. If so, then at 604, decryption is performed in accordance with stored private keys 628. Storing private keys is well known in the art of public key cryptography. After decryption, or if no decryption is required, the e-mail firewall 105 applies policy managers 216, which can perform four types of actions (shown at 610, 612, 614, 616, and 620) on e-mail message 204 for each policy. Criteria actions 610 present filtering criteria selected by the administrator. Exception actions 612 determine which criteria 610 are excluded. Multiple criteria 610 can be selected which effectively results in a logical AND operation of the criteria. Multiple exceptions 612 can be selected which effectively results in a logical OR operation of the exceptions; that is, any one of the exception conditions being true will result in a policy not being triggered. In another embodiment, a generic Boolean expression is used in lieu of the criteria and exception combination. Annotation actions 614 cause generation of attachment to message 602 or insertion of text into the body 208 of the message. The manner by which annotations are made is based on a policy entered by the administrator. Notification actions 616 cause the sending of one or more e-mail notifications when a given policy is triggered. Notifications can be sent to sender, recipient, administrator, or any e-mail address that is defined by the administrator. In addition, notification actions 616 allow specification of whether the original message 204 should accompany the notification. Disposition action 620 determines whether the message should continue to the destination(s) (specified by field 620) or whether one of a plurality of alternative actions 622 such as deferral, quarantine, return to sender, or dropping of the message are required.

The office action characterizes this passage as disclosing that “notification actions are caused when a given policy is triggered, including [a] security policy” and that the “issue is what is being notified.” The cited passage, however, does not disclose the subject matter of claim 1, namely that a reason is determined for the issue resulting from the validity check and that reason is provided to the user of a mobile device. Bandini is only disclosing notification that an issue has arisen and does not provide any functionality for providing the underlying reason behind the

issue. Because Bandini does not disclose a method of determining the reason that the issue came about and providing that reason to the user of a mobile device, the user has greater difficulty in taking corrective action with respect to the issue. The simple notification in Bandini that an issue exists results in a significantly less efficient approach in allowing a mobile user to take ameliorative action, such as to take corrective action more quickly in order to allow the anticipated communication to take place once the issue is resolved. Because Bandini does not disclose such limitations of claim 1, claim 1 is patentable and should be allowed.

The assignee also disagrees with other positions in the office action. For example, dependent claim 2 recites that two pieces of information are provided to the user of the mobile device. First, the user is provided a message indicating that a problem exists. Second, the user also is provided with an indication of the reason related to the problem. This serves to distinguish further the instant application from the Bandini reference since Bandini provides no disclosure with respect to determining a reason that a problem exists, let alone that both pieces of information are provided to the user of the mobile device. For at least these additional reasons, the subject matter of claim 2 is patentable over the cited reference and should be allowed.

Dependent claim 3 recites that the user of the mobile device is allowed to resolve the issue resulting from the validity check, after which the secure message may be sent. In rejecting this claim, the office action cites paragraphs 0044 and 0064 of Bandini, stating that “[d]isposition or alternative actions, after a notification action, are available for the sender.” While Bandini may disclose that disposition or alternative actions are available to the sender of the message, the actions set forth in the cited paragraphs from Bandini affect only what happens to the message after a notification action. Without providing to the user a reason why an issue exists, it is significantly more difficult for the user to resolve the issue and continue the process of sending

the secure message. For at least these additional reasons, the subject matter of claim 3 is patentable over the cited reference and should be allowed.

Independent claim 25 recites an apparatus that enables performing a validity check prior to sending a secure message and providing to the user a reason that an issue results from the validity check. Because Bandini does not disclose determining a reason that an issue exists and providing that reason to the user, claim 25 is patentable over the Bandini and should be allowed.

Independent claim 26 recites a wireless mobile communication device comprising a certificate store to store certificate data and means for using the stored certificate data to perform a validity check, wherein an issue exists due to the validity check and the reason for the issue is provided to the user of the mobile device. In rejecting claim 26, the office action cites paragraphs 0044 and 0058 of Bandini as disclosing the subject matter of the claim. However, neither paragraph 0044 nor paragraph 0058 discloses the subject matter of claim 26, namely determining the reason for an issue resulting from a validity check and providing that reason to the user of a mobile device. For at least these reasons, the subject matter of claim 26 is patentable over the cited reference and should be allowed.

New independent claim 27 is directed to subject matter analogous to the subject matter of independent claim 1. Thus, for at least the reasons set forth above with respect to claim 1, claim 27 is patentable and should proceed to issuance.

Because the independent claims are allowable, their respective dependent claims are also allowable and should proceed to issuance. It is noted that assignee has not, at this time, presented arguments with respect to a number of the dependent claims in the instant application. Assignee nevertheless reserves the right to argue the patentability of all of the dependent claims in the instant application at a future time, should that become necessary.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

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